

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICKEY ALFORD a/k/a Morris Day,     )  
   )  
          Plaintiff,                                     )  
   ) Civ. Action No. 18-12376-PBS  
          v.   )  
   )  
BOSTON CELTIC CLUB, et al.,             )  
   )  
          Defendants.                                    )

**ORDER**

November 28, 2018

SARIS, C.D.J.

For the reasons stated below, the Court orders the plaintiff to pay the \$400 filing fee.

On November 26, 2018, Rickey Alford, a prisoner of the state of California, filed a *pro se* civil complaint in this Court. Plaintiff did not pay the \$400 filing fee or seek leave to proceed in forma pauperis.

On at least three occasions prior to the filing of this action, lawsuits filed by the plaintiff were dismissed on the grounds that they were frivolous or malicious or failed to state a claim upon which relief may be granted. See In re Alford, Nos. 01-00074 CAL PR, 01-0075 CAL PR, 01-00272 CAL PR, 01- 0307 CAL PR and 01-00308 CAL PR, 2001 WL 277956, at \* 1 (N.D. Cal. March 7, 2001) (citing three cases filed by Rickey Louis Alford, aka Morris Day, in the Northern District of California and

dismissed prior to 2001 on grounds that they were frivolous, malicious or failed to state a claim); Day v. Ninth Cr. Ct. of Appeals Judges, et al., No. 98-0902 FMS PR, 1998 WL 169537, at \* 1 (N.D. Cal. March 13, 1998) (citing three cases filed by Morris Day, aka Rickey Louis Alford, in the Northern District and dismissed prior to 1998 on the grounds that they were frivolous, malicious, or failed to state a claim). See also Order entered in Alford v. Nickerson, et al, No. 06-1327 DFL GGH P, 2006 WL 2092001 (E.D. Cal July 26, 2006) (taking judicial notice of orders filed March 7, 2001).

A prisoner generally cannot proceed in forma pauperis if he has, on three or more prior occasions, filed an action or appeal that was dismissed on the ground that it was frivolous, was malicious, or failed to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(g).

Where a prisoner has "three strikes," he may only proceed in forma pauperis if he is "under imminent danger of serious physical injury." Id.

Alford does not allege that he is under imminent danger of serious physical injury.

Accordingly, IT IS HEREBY ORDERED that that plaintiff shall submit, within 21 days of the date of this Order, the \$400 filing fee. Failure of plaintiff to comply with this directive

within 21 days of the date of this Order will result in the dismissal of this action for failure to pay the filing fee.

SO ORDERED.

/s/ Patti B. Saris  
PATTI B. SARIS  
CHIEF UNITED STATES DISTRICT JUDGE